

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana First Judicial District Court, County of Lewis and Clark

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-14-380
)	
)	D E C I S I O N
ALVIN GRANT,)	
)	
Defendant.)	

On November 21, 2018, the District Court revoked the Defendant's suspended sentence for violation of the conditions and sentenced the Defendant to the Montana Department of Corrections for five (5) years, for the offense of Criminal Possession of Dangerous Drugs. The Court recommended the Department place the Defendant into an appropriate community-based program, facility, or a State corrections institution, with the recommendation the Defendant be screened for placement at a chemical dependency treatment program. The Court granted credit for time served from September 18, 2014 – January 15, 2015 as reflected in the original judgment; from October 22, 2018 to November 21, 2018 for jail time served following the filing of the petition to revoke until sentencing; and sixty-seven (67) days for jail time imposed by his probation officer to sanction various probation violations prior to the State's filing of the Petition to Revoke.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the NEXUS program and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2nd day of May, 2019.

DATED this 30th day of May, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson


Hon. Dan Wilson, Member


Hon. Luke Berger, Member

Copies mailed this 4th day
of June, 2019, to:

Clerk of District Court (Original)
Alvin Grant #2006226, Defendant (2)
Hon. Mike Menahan
Brent Getty, Defense Counsel
Melissa Broch, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division